

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

UNITED STATES OF AMERICA	)	
	)	
	)	No. 1:06-cr-05
v.	)	
	)	Judge Curtis L. Collier
	)	
WILLARD WAYNE HOWARD	)	
	)	

**ORDER**

For the reasons set forth in the accompanying memorandum, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Court File No. 78) pursuant to 28 U.S.C. § 636(b) with the exception of her conclusion the evidence found inside the Chevrolet Suburban should be suppressed. Defendant's motion to suppress is **REFERRED** to the magistrate judge to take further evidence and make a determination whether Titan's alert was wholly independent from the illegal arrest and whether the evidence seized from the suburban would have been inevitably discovered by lawful means. The magistrate judge is designated to take whatever action on the motions as she deems appropriate pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), and submit to the Court a report and recommendation.

Defendant's motion to suppress (Court File No. 50) is hereby **GRANTED IN PART** and any incriminating statements made by Defendant at the wrecker service are **SUPPRESSED**.

**SO ORDERED.**

**ENTER:**

/s/  
**CURTIS L. COLLIER**  
**CHIEF UNITED STATES DISTRICT JUDGE**